

CHANNEL ASSIGNMENT OF UNUSED OR UNALLOCATED  
PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS (PEG) CHANNELS

**BACKGROUND**

1. Executive Regulation #53-89 (COMCOR 08A.18.01), approved by the County Council on August 2, 1988 (Resolution #11-978) and reauthorized by the County Council on May 29, 1990 (Resolution #11-2037), establishes the process whereby an organization may apply for use of a public, educational, or government access (PEG) channel.
2. Of the thirteen PEG channels required by Section 7 of both the Comcast and the RCN Cable Franchise Agreements, six channels are available for renewal or reassignment on July 1, 2006.
3. A public notice of the application process was carried in The Gazette on April 7, 2006.
4. In response to the public notice the County received six applications. The applications received were from the current operators each requesting continued full-time use of the channel(s) currently assigned.
5. A public notice concerning the availability of the applications for public review and acceptance of public comments was carried in The Gazette on May 17, 2006.
6. The Cable Office received public comments from two individuals concerning the applications and the allocation of the available PEG channels.
7. The County Executive, pursuant to Executive Regulation #53-89 (COMCOR 08A.18.01), must make a decision on the organizations' requests within 90 days of receipt of a complete application.

**APPLICATIONS RECEIVED**

1. **Montgomery County Public Schools (MCPS):** application dated April 20, 2006 and received by the County on April 20, 2006. MCPS requests renewal of its allocation of channel 34, which it has operated since 1988.
2. **University of Maryland-College Park - UMTV (UMTV):** application received by the County on April 12, 2006. UMTV requests renewal of its allocation of channel 18, which it has operated full-time since May 1990.
3. **University of Maryland-College Park - UMTV (UMTV):** application received by the County on April 28, 2006. UMTV requests renewal of its allocation of channel 2, which it has operated full-time since 1991.

4. **Montgomery Community Television (MCT):** application dated April 26, 2006 and received by the County on April 27, 2006. MCT requests renewal of its allocation of channel 21 which it has operated full-time since February, 1988.
5. **Comcast:** two applications received by the County on April 27, 2006 and April 28, 2006. Comcast requests use of two unallocated PEG channel for programming.

### FINDINGS

Based on the information contained in the applications, public comments, Cable Office records, and additional related information, I make the following findings:

1. **MCPS** ([www.mcps.k12.md.us/departments/itv](http://www.mcps.k12.md.us/departments/itv))

The Franchise Agreements designate one channel to be operated by MCPS for educational access. MCPS currently operates Education Channel 33 for that purpose. MCPS programs Channel 33 to support classroom instruction from 8:00 a.m. to 12:00 midnight, Monday through Friday, and airs a satellite downlink service "Classic Arts Showcase" overnight and weekends. During the school year, MCPS produces an interactive live call-in program, "Homework Hotline Live."

In addition to Channel 33, MCPS is requesting continued full-time use of Channel 34 which is programmed Monday through Friday from 8:00 a.m. to 12:00 midnight for public information such as community events, school system training, community and public information, programs for parents, live Board of Education meetings and community forums for the Montgomery County Parents Association. In addition, MCPS broadcasts satellite downlinks which supports teachers, students and parents, and provides coverage of approximately 45-50 press conferences each year. During the late night and weekend hours, MCPS re-airs selected programs.

In its application, MCPS reports that two full-time channels are required because the channels meet different needs and address the different audiences. Channel 33 is used by MCPS for instructional programming and staff development, whereas informational, community-based and parenting programming is carried on channel 34. MCPS reports an increased demand, from within the school system, for community and informational programs. Since 1999, MCPS has tripled the number of locally-produced shows for the community. Community programming includes multiethnic programs such as *Our Schools Today* which is produced in Spanish, Vietnamese, Korean, American Sign Language and English; and *Diez Minutos* a Spanish talk show which interviews Hispanic leaders. Other programming on channel 34 includes, but is not limited to, *Education Matters* hosted by the Board of Education president, which covers a wide range of local topics affecting education today; security and crisis preparedness programs *Code Blue* and *Code Red*; a high school academic competition called *Quizmaster Challenge*; and a news and information program called *Take Ten* that discusses student and school issues.

Channel 34 also provides immediate emergency weather and school closing information when needed.

The current channel allocation to MCPS was conditioned on the following:

- *MCPS must continue to increase locally produced programming on both channels it operates;*

Locally produced programming (first run and repeat) on channel 34 increased from 23% in FY02 to 50% of programming hours in FY05. Locally produced programming on channel 33 has been constant at 4% since FY02. In FY02 text programming accounted for 44% of programming on channel 34 and decreased to 33% of the programming hours in FY05. Text programming on channel 33 has been eliminated.

- *MCPS must coordinate the carriage of college-level programming with Montgomery College (MC), UMUC-TV, and UMTV and coordinate with all PEG operators and/or the cable companies regarding acquired programming in order to avoid conflicts or unnecessary duplication.*

MCPS has been diligent in avoiding programming that is duplicative of other channels with the exception of *MCPS News Update* which is a news program for county residents and airs several times on MCT's channel 21. MCPS also duplicates the airing of the County Executive's State of the County address.

- *MCPS must consider proposals from the cable operators to utilize either or both of MCPS's channels during the hours when MCPS is not otherwise using them for programming.*

During the past two years, MCPS did not receive any requests from Comcast or RCN to utilize its channels.

- *MCPS must make a good faith effort to accommodate, and to the maximum extent feasible, promote the use of channel time or program playback requests of private and parochial primary and secondary schools on one of the MCPS channels.*

During the past two years, MCPS did not receive any requests from private or parochial schools requesting program playback or use of channel time.

- *MCPS must continue to cooperate with the other PEG operators on such issues as joint productions, purchasing, shared use of facilities and equipment and promotion of PEG channel programming*

MCPS has continued to cooperate with the PEG operators. Representatives from MCPS have chaired the PEG Network Training Committee for the last three years, and provided engineering oversight during the procurement of the PEG Network mobile production vehicle. MCPS continues to share its mobile

production van, equipment, and staff with other members of the PEG Network and cross promotes PEG programming. MCPS continues to work cooperatively with the Cable Office, County Cable Montgomery, MC and MCT in the joint planning and procurement of equipment.

2. **UMUC-TV** ([www.umuc.edu/umuc-tv](http://www.umuc.edu/umuc-tv))

UMUC-TV requests renewal of its channel so that it may fulfill its mission to provide educational programming that extends the instructional resources of the University to students and general public living and working in Montgomery County.

UMUC-TV has redesigned its channel look and programming. UMUC-TV now cablecasts full-time with state-of-the-art, digital server technology. This upgrade has resulted in significant improvement in the amount and type of programming aired on UMUC-TV.

In fulfilling its mission, UMUC-TV produces or acquires programming in four basic categories:

- Direct Instruction – A significant portion of the UMUC-TV program schedule is required viewing for certain undergraduate courses.
- Curriculum Resource Programming – An important part of the program schedule is devoted to programming that serves as supplemental viewing for students. Disciplines supported and enhanced by these programs include Literature, Writing, Computer Science, General Science, the Humanities and Business Management. UMUC-TV also airs programs on healthcare, aging, diversity, public policy, media criticism, new technologies, the arts, psychology and small business.
- Student Service Programming – Another important part of the program schedule provides information about University services and public service announcements explaining UMUC's cooperative alliance with Montgomery College and other community colleges.
- Outreach Programming - focuses on UMUC-TV's efforts to extend its resources into the community with critical information about course schedules, registration and advising and special events coverage.

In its application, UMUC-TV notes that it has an alliance with Montgomery College, and other select community colleges, to assist students pursuing lower-level studies in obtaining a bachelor's degree at UMUC.

The conditions required by the last allocation of UMUC-TV's channel were related to the following:

- *UMUC-TV must coordinate college level programming with Montgomery College.*

As directed in its mission, UMUC-TV emphasizes course-related programming. UMUC and Montgomery College have formed an alliance to assist students

pursuing studies at Montgomery College in obtaining a bachelor's degree at UMUC. Both Montgomery College and UMUC students benefit from having additional opportunities to view the programs required for their coursework.

- *Increase locally produced programming.*

As directed by its mission, UMUC-TV emphasizes course-related programming and reports that because courses are repeated from semester to semester, the video programming that supports these courses must also be repeated for the benefit of the new students enrolled in these courses. Locally produced programming decreased from 3% in FY03 to 2% of programming hours in FY05. Acquired programming increased from 58% in FY03 to 69% of programming in FY05 and text decreased from 39% in FY03 to 29% in FY05.

- *UMUC-TV must make good faith efforts to accommodate requests from other institutions of higher learning for channel time.*

During the past two years, UMUC-TV did not receive any requests from other educational institutions to utilize its channel.

- *UMUC-TV must consider request from Comcast and RCN to utilize channel time when not in use by UMUC-TV.*

To-date, UMUC-TV has not received any requests from Comcast or RCN for use of channel time.

- *UMUC-TV must coordinate with all PEG operators and/or cable company regarding programming conflicts and unnecessary duplication.*

The majority of UMUC-TV's programming is specific to UMUC coursework and services.

- *UMUC-TV must continue to cooperate with the PEG operators on joint productions and promotion of PEG channel programming.*

Staff from UMUC-TV continues to participate with the PEG Network.

- *UMUC must continue to finance the operation of the channel.*

The University has fully financed the operation of the channel since its initial allocation in 1990.

### 3. **UMTV** ([www.umtv.umd.edu](http://www.umtv.umd.edu))

In its application, UMTV notes that the channel provides intellectual and cultural programming. UMTV airs programming acquired from sources such as BBC World News, which provides in-depth reporting and analysis of global issues; German news from Deutsche Welle; the Research Channel which highlights programming from other research universities; PBS and the Smithsonian; and public affairs programming from Harvard and the University of Virginia. UMTV airs a daily student produced news program, and original programming featuring professors and researchers from the University. UMTV has recently added two new shows to its channel line-up – *The Meeting*, which is an entertainment interview show and *That's The Point* in which students interview some of the top News personalities in the business and will soon add *Open Student Television Network* which provides news, public affairs and entertainment programming from colleges across the country.

UMTV has requested continued full-time use of its channel and states that “A partial day schedule would not provide the level of service UMTV is capable of providing.” UMTV currently feeds the same signal to both Montgomery and Prince George’s counties and notes that “there would also be major operational problems and financial outlays if we are on a partial day schedule.”

The conditions mandated by the last allocation of UMTV’s channel were related to the following:

- *UMTV must coordinate airing of lower level college programming with Montgomery College.*

UMTV does not carry any course work programming so there is no conflict with Montgomery College.

- *UMTV must continue to show an increase of locally produced programming and utilize bulletin board/text in accordance with the channel’s mission.*

UMTV has increased its acquired programming and as a result has to rely less on repeats and text. In FY03 repeat programming accounted for 59% of UMTV’s programming hours. In FY05 repeats accounted for 36%. Acquired programming has increased from 33% in FY03 to 49% in FY05. Locally produced and bulletin board/text programming hours have both declined since FY03.

- *UMTV must make good faith efforts to accommodate requests from other institutions of higher learning for channel time;*

UMTV currently has a program exchange with Howard Community College and through its affiliation with the Research Channel, UMTV airs programs produced by Johns Hopkins.

- *UMTV must consider requests from RCN and Comcast for utilizing channel time.*

UMTV will consider proposals from the cable operators to utilize its channel when not in use by UMTV.

- *UMTV must coordinate with all PEG operators and/or the cable companies regarding programming conflicts and unnecessary duplication.*

UMTV cooperates with the other PEG operators regarding program airing to avoid duplication.

- *UMTV must demonstrate cooperation with the PEG operators on joint productions and promotion of PEG channel programming.*

UMTV continues to cooperate with members of the PEG Network and participates in joint activities.

- *UMTV must continue to finance the operation of their channel.*

UMTV continues to finance the operation of the channel and has maintained the transmission of signals to the County's system without seeking additional County funds.

#### 4. **MCT** ([www.mct-tv.org](http://www.mct-tv.org))

The Franchise Agreement designates one channel to be operated by MCT for Public Access. MCT currently operates channel 19 for this purpose. In addition to Channel 19, MCT also operates Channel 21. In its application, MCT reports that the continued increase in volume of access programming generated by the community would make it impractical to attempt to merge the two channels. MCT is the only PEG operator offering channel time to all County residents and organizations.

In February 2006, MCT restructured its programming schedule by grouping programs in thematic or subject blocks. This change ensures a coherent programming strategy that is more viewer friendly and creates incentives for increasing diversity and localism of programming. Programming on Channel 21 is now guided more fully by direct community input and requests. Channel 21 features specific thematic blocks of programming which are different from Channel 19, therefore avoids program duplication. Channel 21 features Public Affairs, Education, Sports, Health, Community and Science programming. Channel 19 features Arts, Humanities, Ethnic, Growth, Inspirational, and Youth programming.

The current channel allocation to MCT was conditioned on the following:

- *MCT must continue to show improvement in use of text programming and increasing locally produced programming on both of the PEG channels which it operates.*

In FY04, locally produced programming was reduced as a result of a severe budget cut experienced by MCT. In FY05 locally produced program hours increased on both channels. In FY05, the use of bulletin board/text programming was eliminated on channel 21, but increased significantly on Channel 19. The majority of text programming on Channel 19 is run during the overnight hours. MCT reports that there is virtually no duplication of video programming between the two channels.

- *MCT must consider requests from Comcast and RCN for utilizing channel time when not in use by MCT.*

During the past two years, MCT did not receive any requests from Comcast or RCN to utilize its channels.

- *MCT must coordinate with all PEG operators and/or the cable companies regarding programming conflicts and unnecessary duplication;*

MCT indicates in its application that it will continue to work with the other PEG operators and the cable company to avoid programming conflicts and unnecessary duplication of programming.

- *MCT must demonstrate cooperation with the PEG operators on such issues as joint productions, purchasing, shared use of facilities and equipment, and the promotion of PEG channel programming.*

MCT continues to cooperate with the PEG operators. MCT is an active participant of the PEG Network. MCT's Executive Director serves on the PEG Network's Executive Committee and Chaired the committee responsible for the procurement of the PEG Network mobile production vehicle. MCT has been actively involved with joint productions and promotional activities. MCT continues to work cooperatively with the Cable Office, County Cable Montgomery, MC and MCPS in the joint planning and procurement of equipment.

Two former MCT Board members jointly submitted comments on MCT's application for use of channel 21. They recommend that MCT's application be approved subject to the following conditions:

1. Increase volunteerism;
2. Increase original programming produced locally by Montgomery County citizens;
3. Conduct viewer surveys;
4. Measure volunteer diversity; and
5. Comply with the Maryland Public Information Act.

The Cable Office does not recommend the allocation of the channel 21 be subject to the above conditions. MCT's scope of work is specified by contract which is administered



by the Cable Office. Through contractual and budgetary processes, the Cable Office will review and take appropriate action to address the concerns and recommendations presented in the public comments.

5. **COMCAST**

Comcast has requested continued full-time use of two PEG channels which it currently uses for the cable programming.

Comcast requested continued full-time use of a PEG channel for the commercial cable programming of the Consumer News and Business Channel (CNBC). CNBC provides business news and incisive analysis of global financial markets. During prime-time, CNBC offers broad-based news, talk, interview and entertainment programming. On weekends, CNBC offers talk and business entertainment programming.

Comcast has also requested continued full-time use of a second PEG channel for C-SPAN. C-SPAN provides live gavel-to-gavel proceedings of the U.S. House of Representatives. C-SPAN airs unedited, balanced views of government and public policy forums, and provides viewers with direct access to elected officials, decision-makers and journalists.

In its applications, Comcast notes that it is currently operating the system at channel capacity due to must carry requirements, retransmission consent agreements, leased access requests, PEG allocations and contractually obligated services.

Comcast's applications for use of the unallocated PEG channels are consistent with the provisions of Executive Regulation #53-89 (COMCOR 08A.18.01).

No other requests for use of these PEG channels for public purposes were received.

6. RCN did not submit an application requesting the use of unallocated PEG channels.

**ACTION**

In consideration of the applications submitted for assignment of the six unallocated PEG channels, public comments received, and the other evidence included in the files of the Cable Office, I conclude that it is in the public interest to make the following channel allocations.

1. One unallocated PEG channel, on both the Comcast and RCN systems, is assigned to **MCPS** for a period extending to June 30, 2008, subject to the following conditions:
  - a. Programming and use of bulletin board/text aired on the channel must be in accordance with MCPS-ITV's mission.


- b. MCPS must make a good faith effort to accommodate, and to the maximum extent feasible, promote the use of channel time or program playback requests of private and parochial primary and secondary schools on one of the MCPS channels.
  - c. MCPS must coordinate with all PEG operators and/or the cable companies regarding the airing of acquired programs in order to avoid programming conflicts or unnecessary duplication.
  - d. MCPS must consider proposals from the cable operators to utilize either or both of MCPS's channels during the hours when MCPS is not otherwise using them for programming.
  - e. The County reserves the right to reclaim this channel upon 120 days written notice.
  - f. The channel allocation to MCPS is subject to any budgetary actions taken by the County Council. Should the Council not appropriate sufficient funds to support a second channel, the channel shall automatically be returned to the County and shall remain an unallocated PEG channel until such time as it may be allocated by the appropriate process.
2. One unallocated PEG channel, on both the Comcast and RCN systems, is assigned to **UMUC-TV** for a period extending to June 30, 2008, subject to the following conditions:
- a. UMUC-TV must continue to finance the operation of the channel and maintain the transmission of signals to the County's system without seeking County funds for these purposes.
  - b. Programming and use of bulletin board/text aired on the channel must be in accordance with UMUC-TV's mission.
  - c. UMUC-TV must make good faith efforts to accommodate, to the maximum extent feasible, the use of channel time or program playback requests of other branches of the University of Maryland or other institutions of higher education in the Washington-Baltimore region.
  - d. UMUC-TV must coordinate with all PEG operators and/or the cable companies regarding the airing of acquired programs in order to avoid programming conflicts or unnecessary duplication.
  - e. UMUC-TV must actively consider proposals from the cable operators to utilize its channel during the hours when UMUC-TV is not otherwise using it for programming.

- f. The County reserves the right to reclaim this channel upon 120 days written notice.
- 3. One unallocated PEG channel, on both the Comcast and RCN systems, is assigned to **UMTV** for a period extending to June 30, 2008, subject to the following conditions:
  - a. UMTV must continue to finance the operation of the channel and maintain the transmission of signals to the County's system without seeking County funds for these purposes.
  - b. Programming and use of bulletin board/text aired on the channel must be in accordance with UMTV's mission.
  - c. UMTV must make good faith efforts to accommodate, to the maximum extent feasible, the use of channel time or program playback requests of other branches of the University of Maryland or other institutions of higher education in the Washington-Baltimore region.
  - d. UMTV must coordinate with all PEG operators and/or the cable companies regarding the airing of acquired programs in order to avoid programming conflicts or unnecessary duplication.
  - e. UMTV must consider proposals from the cable operators to utilize its channel during the hours when UMTV is not otherwise using it for programming.
  - f. The County reserves the right to reclaim this channel upon 120 days written notice.
- 4. One unallocated PEG channel, on both the Comcast and RCN systems, is assigned to **MCT** for a period extending to June 30, 2008, subject to the following conditions:
  - a. Programming and use of bulletin board/text aired on the channel must be in accordance with MCT's mission.
  - b. MCT must coordinate with all PEG operators and/or the cable companies regarding the airing of acquired programs in order to avoid programming conflicts or unnecessary duplication.
  - c. MCT must consider proposals from the cable operators to utilize either or both of MCT's channels during the hours when MCT is not otherwise using them for programming.
  - d. MCT must comply with all terms of the MCT-County contract concerning the operation and management of the channels.

- e. Consistent with the County-MCT contract, the County reserves the right to terminate MCT's use of the channel immediately if MCT fails to comply with the terms of the contract or on 120 days written notice for any other reason.
  - f. The channel allocation to MCT is subject to any budgetary actions taken by the County Council. Should the Council not appropriate sufficient funds to support this channel, the channel shall automatically be returned to the County and shall remain an unallocated PEG channel until such time as it may be allocated by the appropriate process.
- 5. **Comcast** is assigned two unallocated PEG channels, on the Comcast system, for a period extending to June 30, 2008. The County reserves the right to reclaim either channel upon 120 days written notice.
  - 6. Two PEG channel on the RCN system will remain unallocated and available for County use.

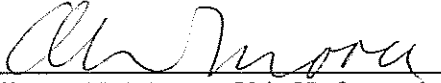
MONTGOMERY COUNTY, MARYLAND

Approved By:

  
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Douglas M. Duncan  
County Executive

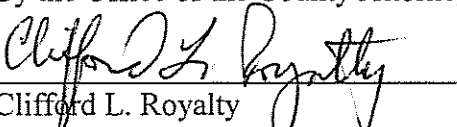
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Recommended By:

  
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Alisoun K. Moore, Chief Information Officer  
Department of Technology Services

6/30/06  
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Date

Approved as to Form and Legality  
By the Office of the County Attorney

  
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Clifford L. Royalty  
Associate County Attorney

7/3/06  
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Date

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